



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 22, 1995

Ms. Laura S. Fowler  
Henslee, Ryan & Groce  
Attorneys at Law  
9600 Great Hills Trail, Suite 300 West  
Austin, Texas 78759-6303

OR95-837

Dear Ms. Fowler:

On behalf of the Water Valley Independent School District (the "school district"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34799.

The school district received a request for "any document which indicates former employees' names and date of departure. . . anything that indicates the teacher's name and date of separation." You submitted a copy of a document titled "Termination of Employment," which according to the document must be completed for each employee terminating service with the school district. Evidently, you have deleted all information that identifies the former employee. We assume you submit this document as a representative sample of the requested information.<sup>1</sup>

You assert that the school district may withhold the requested information from required public disclosure pursuant to sections 552.101, 552.102, and 552.103 of the Government Code. We disagree and conclude that the school district may not withhold the requested information pursuant to these provisions, with the exception of the social security numbers of the former employees. See Open Records Decision Nos. 551 (1990), 455 (1987).

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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Social security numbers may be withheld under section 552.101 of the Government Code. A social security number or "related record" may be excepted from disclosure under section 552.101 in conjunction with the 1990 amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(viii)(I). *See* Open Records Decision No. 622 (1994). These amendments make confidential social security numbers and related records that are obtained and maintained by a state agency or political subdivision of the state pursuant to any provision of law enacted on or after October 1, 1990. *See id.* We have no basis for concluding that any of the social security numbers in the file are confidential under section 405(c)(2)(C)(viii)(I), and therefore excepted from public disclosure under section 552.101 of the Open Records Act on the basis of that federal provision. We caution, however, that section 552.353 of the Open Records Act imposes criminal penalties for the release of confidential information. Prior to releasing any social security number information, you should ensure that no such information was obtained or is maintained by the school district pursuant to any provision of law, enacted on or after October 1, 1990.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Government Section

KHG/rho

Ref.: ID# 34799

Enclosures: Submitted documents

cc: Ms. Katherine L. Duff  
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